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Agenda item 101 (i)
General and complete disarmament: follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons

Algeria, Costa Rica, Cuba, Egypt, Honduras, Iran (Islamic Republic of), Lao People's Democratic Republic, Malaysia, Myanmar, Nepal, Nicaragua, Peru, Samoa, Thailand, Viet Nam and Zimbabwe: draft resolution

Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998, 54/54 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of 29 November 2001, 57/85 of 22 November 2002, 58/46 of 8 December 2003, 59/83 of 3 December 2004, 60/76 of 8 December 2005, 61/83 of 6 December 2006, 62/39 of 5 December 2007, 63/49 of 2 December 2008, 64/55 of 2 December 2009, 65/76 of 8 December 2010, 66/46 of 2 December 2011, 67/33 of 3 December 2012, 68/42 of 5 December 2013, 69/43 of 2 December 2014, 70/56 of 7 December 2015, 71/58 of 5 December 2016 and 72/58 of 4 December 2017,

Convinced that the continuing existence of nuclear weapons poses a threat to humanity and all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Reaffirming the commitment of the international community to the realization of the goal of a nuclear-weapon-free world through the total elimination of nuclear weapons,

Mindful of the solemn obligations of States parties, in particular the obligations undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,[1] to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

[1] United Nations, *Treaty Series*, vol. 729, No. 10485.

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Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, [2] the unequivocal commitment of nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, agreed at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,[3] and the action points agreed at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as part of the conclusions and recommendations for follow-on actions on nuclear disarmament,[4]

Sharing the deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and in this context reaffirming the need for all States at all times to comply with applicable international law, including international humanitarian law,

Calling upon all nuclear-weapon States to undertake concrete disarmament efforts, and stressing that all States need to make special efforts to achieve and maintain a world without nuclear weapons,

Noting the five-point proposal for nuclear disarmament of the Secretary-General, in which he proposes, inter alia, the consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification,

Noting also continued efforts towards realizing nuclear disarmament, including through the Secretary-General's disarmament agenda,

Recalling the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

Recognizing with satisfaction that the Antarctic Treaty, [5] the treaties of Tlatelolco, [6] Rarotonga, [7] Bangkok [8] and Pelindaba [9] and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, as well as Mongolia's nuclear-weapon-free status, are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons pending the total elimination of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the sole multilateral disarmament negotiating forum,

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[2] *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I) and NPT/CONF.1995/32 (Part I)/Corr.2), annex, decision 2.

[3] See *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vol. I (NPT/CONF.2000/28 (Parts I and II)), part I, section entitled "Article VI and eighth to twelfth preambular paragraphs", para. 15.

[4] See *2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vol. I (NPT/CONF.2010/50 (Vol. I)), part I.

[5] United Nations, *Treaty Series*, vol. 402, No. 5778.

[6] Ibid., vol. 634, No. 9068.

[7] *The United Nations Disarmament Yearbook*, vol. 10: 1985 (United Nations publication, Sales No. E.86.IX.7), appendix VII.

[8] United Nations, *Treaty Series*, vol. 1981, No. 33873.

[9] A/50/426, annex.

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Stressing the urgent need for the nuclear-weapon States to accelerate concrete progress on the 13 practical steps to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference,

Taking note of the Model Nuclear Weapons Convention submitted to the Secretary-General by Costa Rica and Malaysia in 2007 and circulated by the Secretary-General,[10]

Welcoming the adoption on 7 July 2017 of the Treaty on the Prohibition of Nuclear Weapons,[11] which has contributed to achieving the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, issued on 8 July 1996,[12]

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. *Calls once again upon* all States to immediately engage in multilateral negotiations leading to nuclear disarmament in all its aspects under strict and effective international control, including under the Treaty on the Prohibition of Nuclear Weapons;[11]

3. *Requests* all States to inform the Secretary-General of the efforts and measures that they have taken with respect to the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its seventy-fourth session;

4. *Decides* to include in the provisional agenda of its seventy-fourth session, under the item entitled "General and complete disarmament", the sub-item entitled "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons".

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[10] A/62/650, annex.

[11] A/CONF.229/2017/8.

[12] A/51/218, annex.